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THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SD-02-004

**Title: Requesting Congressional Appropriations and Regulation Waivers
to Address Unfunded Mandate to Provide Adult Protective Services**

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, although abuse, neglect and financial exploitation are contrary to Native American traditions and values, Native American elders and incapacitated adults are experience these crimes; and

WHEREAS, many Indian tribes provide social services to elders and incapacitated adults as part of P.L. 93-638 contracts and self-governance compacts with the federal government; contract and compact funding, however, is wholly inadequate and results in a substantial unmet need for these services; and

WHEREAS, despite this lack of funding, the Bureau of Indian Affairs has promulgated regulations at 25 CFR Part 20 ("Final Rule") that have required Indian tribes to expand their contracted scopes of work to satisfy the new regulations; and

WHEREAS, the Final Rule creates an unfunded mandate requiring substantial additional services, including but not limited to referrals, investigations, case management, enforcement, coordination, and financial management for Individual Indian Money account holders; and

WHEREAS, the Bureau of Indian Affairs has not been adequately funded in FY 2001 or FY 2002 to allow Indian tribes to develop or to implement the adult protective services programs mandated under the Final Rule; and

WHEREAS, the full implementation of adult protective services required under the Final Rule is at risk due to lack of financial resources for start-up and continuous services; and

WHEREAS, the waivers of the Final Rule previously granted at the request of individual tribes and the National Congress of American Indians (NCAI Resolution #MSH-01-049) have expired; and

WHEREAS, the Secretary of the Interior has, furthermore, declined to suspend 25 CFR Part 20 for a three-year period as requested by the National Congress of American Indians (NCAI Resolution SPO-01-007).

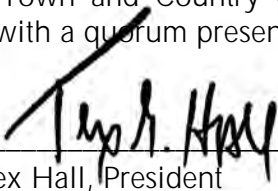
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby request that the United States Congress make appropriations to the Bureau of Indian Affairs in FY 2003 and future years to fully fund the adult protection-related requirements of 25 CFR Part 20; and

BE IT FURTHER RESOLVED, that the NCAI does hereby requests that, pending such appropriations to the Bureau of Indian Affairs, the Secretary of the Interior grant waivers to the implementation of adult protection programs or, in the alternative, suspend the Final Rule through the end of fiscal year 2004 to allow tribes sufficient time to address the requirements of the Final Rule; and

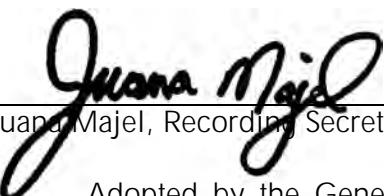
BE IT FINALLY RESOLVED, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.


Tex Hall, President

ATTEST:


Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.